

### **REMARKS**

Claims 1-23 and 25-38 are pending. Claims 1-23 and 25-37 stand rejected. Claim 38 is added. Support for the new claim can be found, *inter alia*, at paragraphs [0054] through [0063] of the application as published<sup>1</sup> and in Fig. 4. No new matter has been introduced.

Applicants have reviewed the Office action, including the Examiner's remarks and the references cited therein. Applicants submit that the following remarks are fully responsive to the Office action, and that all pending claims are patentable over the cited references.

In addition, Applicants believe that the Examiner would benefit from a demonstration of the claimed invention. Applicants respectfully request the Examiner to contact the undersigned to schedule an in-person interview upon taking up the present application for reconsideration.

### **Rejection Under 35 U.S.C. § 102**

The Examiner rejects claims 1-9, 11-18, 21, 22, 34, and 37 under 35 U.S.C. § 102(a) as anticipated by "Position-Annotated Photographs: A Geotemporal Web" ("Spinellis"). To be anticipatory, a single prior art reference must explicitly or inherently teach each and every element of the claimed invention. MPEP § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Applicants respectfully submit that Spinellis fails to meet this standard.

Claim 1 recites "automatically arranging the *geo-coded content items* on the selected map based on the geographic coding thereof ... ." (Emphasis added.) As explained in detail in the specification, a geo-coded content item is a content item that is "associated with location metadata that indicates there is a relationship between the content item and a location." Specification, para. [0058]. Geo-coded content items are then automatically arranged on a map "such that each content item is on or near its associated geographic location." *Id.*, para. [0075]. Thus, in some embodiments, the

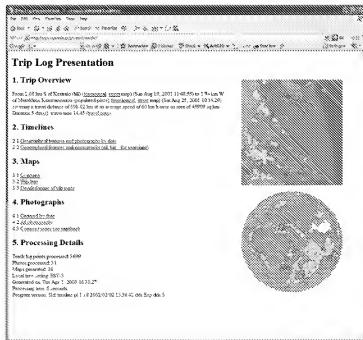
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<sup>1</sup> United States patent application publication no. 2005/0216464 (Sept. 29, 2005).

present invention includes (1) at least one content item having location metadata; and (2) a map encompassing the location of the content item, wherein (3) the content item is displayed on the map according to its location metadata.

Spinellis does not teach the claimed invention. In particular, Spinellis does not teach "automatically arranging geo-coded content items on the selected map based on the geographic coding thereof.]" Quite to the contrary, Spinellis teaches maps and geo-coded content items *displayed separately*. The teachings of Spinellis are clear from the sample Spinellis travelogue available at <http://www.spinellis.gr/qtweb/Chalkidiki>. Figure 1, below, is the home page for the sample Spinellis travelogue, depicting overview maps and a series of links to other travelogue content. It is clear from the home page that no geo-coded content is arranged on the depicted maps.

FIGURE 1: Sample Spinellis Travelogue Home Page



Figures 2 and 3 illustrate, respectively, the sample Spinellis travelogue maps and geo-coded content items (e.g., photographs), accessible from the home page shown in Figure 1. Again, it is clear that, unlike the present invention, Spinellis does not arrange geo-coded content on a selected map.

FIGURE 2: Sample Spinellis Travelogue Maps

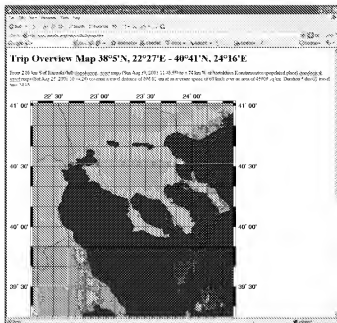
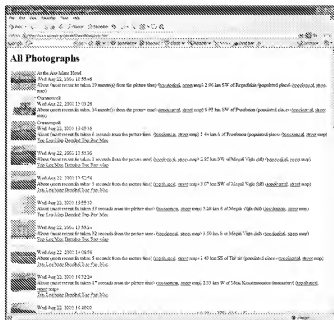


FIGURE 3: Sample Spinellis Travelogue Geo-Coded Content

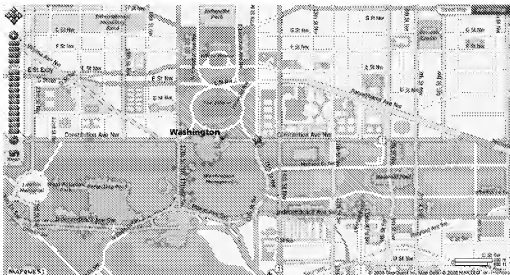


The Examiner asserts that Fig. 4 of Spinellis illustrates that “the geo content items (which further includes place names of locations visited) are automatically arranged on the selected map ... .” Office action, p.4. Applicants respectfully disagree. Fig. 4 of Spinellis merely illustrates that a map, which includes place names, may be

*time coded* with the times at which those places were visited. Neither the place names nor the times are themselves “geo-coded content items,” as Spinellis does not teach that they are “somehow associated with *location metadata* that indicates there is a relationship between the content item and a location.” Specification, para. [0058] (emphasis added).

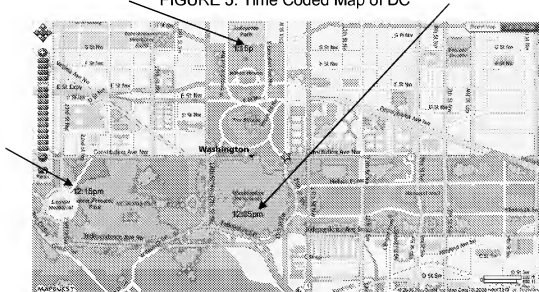
As one of ordinary skill in the art would recognize, the place names are merely parts of the map itself, much as a map of the District of Columbia integrally includes street names and monuments thereon:

FIGURE 4: Map of DC



Further, Spinellis makes clear that the *place names* are encoded with *time data*, not the *times* encoded with *location data*. *E.g.*, Spinellis, p.72 (“Each detailed map shows the route traveled and geographic features ... *annotated with the time they were approached ...*”) (emphasis added). Thus, if a tourist were to visit the Lincoln Memorial, the Washington Monument, and the White House, his or her map of DC could be marked up such that each *location* is associated with the *time it was visited*. That is, the *locations* could be *time coded* (as pointed out by the arrows in the illustration below). One of ordinary skill in the art would recognize that the *times* are not *location coded*.

FIGURE 5: Time Coded Map of DC



If, at each location, the tourist took pictures or made a journal entry describing the location, and then associated the pictures and/or journal entries with location data, the pictures and/or journal entries would be “geo-coded content items.” The claimed invention would “automatically arrang[e]” these items on the map of DC. Spinellis, on the other hand, clearly teaches that the pictures and/or journal entries are displayed *separate from* the map. *E.g.*, Spinellis, Fig. 3; Figures 1-3, *supra*.

For at least the foregoing reasons, Applicants therefore submit that Spinellis fails to teach “automatically arranging the geo-coded content items on the selected map” as recited in claim 1. The remaining independent claims contain similar recitations.<sup>2</sup> Accordingly, Applicants respectfully contend that Spinellis fails to teach each and every element of, and therefore cannot anticipate, claims 1, 13, and 37.

Claims 2-9, 11, and 12 depend from claim 1, while claims 14-18, 21, 22, and 34 depend from claim 13. The dependent claims are allowable for at least the same reasons as the independent claims from which they depend are allowable.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a).

<sup>2</sup> Claim 13 recites “automatically arranging the geo-coded content items on the selected maps[.]” and claim 37 recites “a content item and map layout processor configured to automatically arrange the geo-coded content items on the selected map....”

**Rejections Under 35 U.S.C. § 103**

The Examiner rejects claims 10, 23, 27-29, and 31 under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2003/0033296 to Rothmuller ("Rothmuller"). Claims 19, 25-26, and 35 are rejected as obvious over Spinellis in view of United States patent no. 6,321,158 to DeLorme et al. ("DeLorme"). Claims 20 and 32 are rejected under 35 U.S.C. § 103 as obvious over Spinellis in view of United States patent application publication no. 2005/0203918 to Holbrook ("Holbrook"). The Examiner rejects claim 30 as obvious over Spinellis and Rothmuller further in view of United States patent no. 6,785,864 to Te et al. ("Te"). Finally, the Examiner rejects claim 33 as obvious over Spinellis. Applicants respectfully disagree.

Though the prior art references need not teach or suggest each and every limitation of a claim for that claim to be obvious, Applicants contend that the differences between the rejected claims and the references cited are sufficiently great so as to render the claimed invention non-obvious to one of ordinary skill in the art at the time the invention was made. Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526, 57527-28 (Oct. 10, 2007) ("[T]he focus when making a determination of obviousness should be on what a person of ordinary skill in the pertinent art would have known at the time of the invention, and *on what such a person would have reasonably expected to have been able to do in view of that knowledge.*") (emphasis added). In particular, Applicants contend that none of the cited references, taken alone or in combination, teach or suggest "automatically arranging the geo-coded content items on the selected map based on the geographic coding thereof[.]" Accordingly, Applicants contend that one of ordinary skill in the art would not have learned the claimed invention from the asserted references without the improper use of hindsight in light of the claimed invention.

Claim 10 depends from claim 1, while the remaining claims depend from claim 13. The shortcomings of Spinellis with respect to claims 1 and 13 are discussed at

length above. None of the additional references address or overcome these shortcomings. Applicants therefore submit that the claimed invention is substantially different from, and therefore non-obvious over, the asserted references. The rejections under 35 U.S.C. § 103 should be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and request that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

Applicants believe that a fee of \$210 is due for the new claim presented herein. Applicants have also provided for a three month extension of time herewith. Authorization is hereby granted to charge any additional fees due with the filing of this document to Deposit Account No. 50-1129 with reference to Attorney Docket No. 81190-0008.

Respectfully submitted,

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